

UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Civil Action No. 20-CV-12600-SJM-APP

MICHIGAN GEOSEARCH, INC., a Michigan corporation,

Plaintiff,

**DECLARATION
SUPPORTING
RESPONSE TO COURT'S
ORDER TO SHOW
CAUSE RE: SERVICE**

vs.

TC ENERGY, INC., a Canadian corporation,

Defendant.

/

**DECLARATION OF MATTHEW JOHN PREBEG
IN SUPPORT OF PLAINTIFF'S RESPONSE TO COURT'S ORDER
TO SHOW CAUSE RE: SERVICE AND REPORT OF SERVICE**

I, Matthew Prebeg, submit this declaration based on my own personal knowledge, and, if called to do so, I could testify competently to the matters stated herein:

1. I am an attorney licensed to practice law in the State of Texas and have been admitted to practice before this Court. I am a managing member of the law firm of Bayko, Prebeg, Faucett & Abbott PLLC located in Houston, Texas, and am one of the counsel for plaintiff appearing in the above-captioned matter.
2. On October 6, 2020, using my firm's Federal Express account and package tracking means, I sent to defendant, through defendant's General Counsel and "Executive Vice-President, Stakeholder Relations," Patrick Keys, at Defendant's corporate headquarters in Calgary, Canada, a written "Notice of a Lawsuit and Request to Waive Service of a Summons" pursuant to Rule 4(d) (Form AO 398) – together with two copies of a completed waiver form

(Form AO 399), a copy of the filed Complaint, and a pre-paid means of returning the waiver, - asking defendant to respond to plaintiff's lead counsel, Andrew Kochanowski, "within 61 days" of receipt. True and correct copies of the Form AO 398 and AO 399 documents I sent are included in **Exhibit 1** attached to Plaintiff's Response to Court's Order to Show Cause Re: Service and Report of Service ("Response").

3. With the notice and request for waiver, I asked defendant to return the waiver form to lead counsel for plaintiff in this case, Andrew Kochanowski, and used his name and office address as the return address.
4. I received confirmation from Federal Express that defendant in fact received the package of documents referenced in paragraph 2, above, on October 7, 2020. Such confirmation is attached as **Exhibit 2** to plaintiff's Response.
5. I never received confirmation from Federal Express that defendant returned the service waiver form, and Mr. Kochanowski confirmed to me that he never received the waiver or any other response from defendant.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the above is true and correct to the best of my knowledge and belief.

Executed on December 31, 2020, in Houston, Texas.



Matthew Prebeg